REMARKS

Applicants respectfully request reconsideration of this application, as amended, and reconsideration of the Office Action dated November 9, 2004. Upon entry of this Amendment, claims 1, 3-25 and 27-35 will be pending in this application. Applicants have canceled claims 2, 26 and 36-61 without prejudice. No new matter has been incorporated by this Amendment.

Claims 1, 2, 3, 5, 8, 9, 11, 12, 16, 18, 19, 20, 21, 22, 25, 26, 27, 28, 31, 33 and 40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by UK Patent Application GB 2,350,452 to Liu et al. Based on applicants amendment to independent claims 1, 18 and 27, and the failure of the Liu et al. reference to disclose a resident application on a remote communication device, applicants respectfully traverse this rejection.

With respect to claim 1 and the dependent claims thereof, applicants respectfully argue that Liu et al. neither teaches or discloses any "resident application on said remote communication device executed from the resident web server by the resident browser." Although the Examiner suggests that at page 19, lines 32-40, of the Liu et al. reference, an "application executed from the resident web server" is disclosed, applicants note that there is no such description of a resident application. The cited lines of this disclosure describe FIG. 10, which are examples of HTML web page documents that are returned by a server. The server does not interact with any "resident application" on the remote communication device. As Liu et al. does not disclose a "resident application" of the amended claims, applicants respectfully request that the rejection under 35 U.S.C. § 102(e) be withdrawn.

Similarly, independent claim 18 has been amended to include the limitation of "said transaction is initiated from an application resident on said remote communication device and running from said resident web server in said resident browser." Because Liu et al. does not teach an application resident on the remote communication device, it is respectfully submitted that amended claim 18 and the dependents thereof are neither anticipated or obvious in view of the Liu et al. reference.

For the same reasons, as amended claim 27 (and dependents thereof) recite a "application resident on said remote communication device and executable from said resident web server with said resident browser", and the Liu et al. reference neither teaches, discloses or suggests an application resident on said remote communication device and executable from the resident web server, applicants submit that these amended claims are neither anticipated or obvious in view of Liu et al.

Further, applicants respectfully argue that the amended claims are not obvious under 35 U.S.C. § 103, as none of the cited references teach or suggest a "resident application" on the remote communication device, as set forth in the claims. As noted, the Liu et al. reference neither teaches or discloses any application executed by the resident web server, both of which are on the remote communication device. Further, U.S. Patent No. 6,804,773 to Grigsby et al., U.S. Patent No. 6,782,542 to Mein et al. and U.S. Patent No. 6,721,288 to King et al. do not teach, suggest, or relate to a communication device that includes a resident browser, resident web server and "resident application" executable by the resident web server.

Finally, U.S. Patent No. 5,999,941 to Andersen, as clearly shown in FIGS. 1 and 2, and further described in the reference, does not teach or suggest a resident web

LIT\905054.1

server or resident application on a remote communication device. Instead, the Andersen reference is directed to communication of a remote communication device with a <u>non-resident</u> web server, directly conflicting with the purposes of the present invention and the teachings of Liu et al.

In fact, the Andersen reference specifically teaches the use of an applet (Element 106) for providing web pages from a <u>non-resident</u> server. Unlike applications, which can be executed directly from an operating system, such as the remote communication device environment disclosed in the present invention, an applet as implemented in the Andersen reference, is executed within the browser and must connect to Andersen's <u>non-resident</u> web server for data exchange with the remote communication device.

Accordingly, and in contrast to the Liu et al. reference and Andersen reference (either individually or in combination), the present invention enables custom <u>resident</u> applications executable from the "resident web server" to be called from the "resident browser" when a remote communication device cannot connect to a <u>non-resident</u> server.
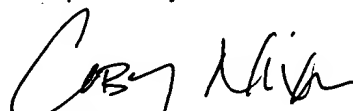
Because Liu et al. does not teach, suggest or disclose a "resident application" of the present claims, a user of a remote communication device must "record" desired web page documents for use on the remote communication device. See Liu et al. at page 21, lines 6-12.

Because the Andersen reference does not contemplate any resident web server or resident database, Andersen's use of an "applet", as opposed to a "resident application", requires connection to a <u>non-resident</u> web server.

As a result, these references, either alone or in combination, do not suggest or motivate those skilled in the art to arrive at the present invention of a "resident application" in combination with a "resident web server" and "resident browser" on a remote communication device that enables off-line transactions and custom application development. For the foregoing reasons, it is respectfully submitted that the pending amended claims are patentable over the cited references, and applicants request that a timely Notice of Allowance be issued in this case.

If any additional fees are due in connection with the filing of this Amendment or the accompanying papers, please charge the fees to SGR Deposit Account No. 02-4300, Order No. 040922.003. If an additional extension of time under 37 C.F.R. §1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The additional extension fee should also be charged to SGR Deposit Account No. 02-4300, Order No. 040922.003. Any overpayment can be credited to Deposit Account No. 02-4300, Order No. 040922.003.

Respectfully submitted,

By: Coby S. Nixon, Reg. No. 56,424

Dated: May 9, 2005
SMITH, GAMBRELL & RUSSELL, LLP
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Telephone: (404) 815-3649
Facsimile: (404) 685-6949

LIT\905054.1